

Notice of Allowability

Application No.

10/684,472

Applicant(s)

CHADWICK ET AL.

Examiner

Joseph D. Anthony

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 16-18 [renumbered as 1-3].
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph D. Anthony
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Nabinger on 06/26/04.

The application has been amended as follows:

Claim 16 (New) A method for bleaching teeth comprising the following steps:

- (a) protecting the soft tissue surrounding the teeth with a covering;
 - (b) applying an aqueous dental bleaching gel to the teeth that comprises:
 - (i) water;
 - (ii) a polyacrylic acid thickening agent;
 - (iii) at least one bleaching agent selected from the group consisting of hydrogen peroxide and compounds that release hydrogen peroxide in water; and
 - (iv) a stabilizing agent selected from the group consisting of EDTA, CDTA, and a salt thereof,
- wherein said bleaching agent is present in an amount ranging from about 20% to about 50% by weight, and wherein said polyacrylic acid thickening agent

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and said stabilizing agent are added in a weight ratio within the range of about 3.3: 1 to about 3.5: 1 that maintains said aqueous gel in a suitable gel form for 4 to 12 weeks at room temperature in a syringe plunger without self-expelling; and
(c) removing the dental bleaching gel.

Claim 17 (New) The method of claim 16 wherein the dental bleaching gel remains in contact with the teeth for a period of 5 to 60 minutes.

Claim 18 (New) The method of claim 17 wherein the dental bleaching gel is applied to the teeth and then treated with a laser light or heat lamp prior to removal.

Claims 1-15 have been canceled.

In the specification on page 1, line 3, after "2003" insert --now abandoned--.

In the specification on page 1, line 4, after "1999" insert --Now U.S. Patent Number 6,555,020--.

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: The present pending application was filed as a continuation application of S.N. 10/386,656 which was allowed by the present examiner but went abandoned due to applicant's failure to

pay the issue fee. The allowed claims in the Parent Application S.N. 10/386,656 were drawn to a method of bleaching teeth using the patented composition claims set forth in Grandparent Application S.N. 09/428,910 now U.S. Patent Number 6,555,020.

Since the pending application was filed as a continuation type application of S.N. 10/386,656 and the only claims found in the file were the originally composition claims filed in the Grandparent Application, the examiner called applicant's representative Robert Nabinger to see if his client was willing to cancel compositions claims 1-15 and have the examiner substitute therefor by an examiner's amendment the method claims as allowed in the Parent Application. Mr. Robert Nabinger agreed to the examiner's proposal. As such the above method claims are deemed to be in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

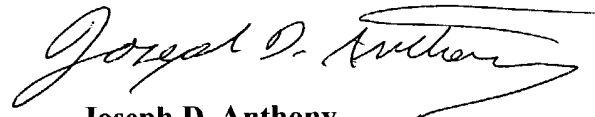
Examiner Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. This examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 6:30 p.m. in the eastern time zone. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be

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reached on (571) 272-1119. The centralized FAX machine number is (703) 872-9306.

All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714

8/26/04